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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/591,376

08/31/2006

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10/02/2008

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EXAMINER

EKPO, NNENNA NGOZI

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

10/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/591,376	Applicant(s) JOHNSON ET AL.	
	Examiner Nnenna N. Ekpo	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/31/2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The reference listed in the Information Disclosure Statement filed on August 31, 2006 has been considered by the examiner (see attached PTO-1449 form).

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "111" has been used to designate both TV 1 and TV 2 in figure 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1, 2, 4-9, 11-14 and 17** are rejected under 35 U.S.C. 102(e) as being anticipated by Wasilewski et al. (U.S. Publication No. 2006/0161956).

Regarding **claim 1**, Wasilewski et al. discloses a method for customizing a reminder for a programming event comprising the steps of (see cited portion, but not limited to figure 10A):

providing a reminder customizer on a first instrument, wherein the reminder customizer includes a reminder options feature (see cited portion, but not limited to figure 10A, paragraphs 0111-0113), which permits a user to indicate at least one of a plurality of devices on which the reminder is to appear (see cited portion, but not limited to figure 8, paragraphs 0109-0110).

Regarding **claim 8**, Wasilewski et al. discloses a method for customizing a reminder for a programming event comprising the steps of (see cited portion, but not limited to figure 10A):

providing a reminder customizer on a set top box (DHCT) (see cited portion, but not limited to figure 10A, paragraphs 0111-0113);

providing a user interface for interactive communication with said reminder customizer (fig 10A, 1000-1), said user interface providing a reminder options feature (see cited portion, but not limited to figure 10A, paragraphs 0111-0113) to permit a user to indicate at least one of a plurality of devices, capable of displaying the programming

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event, on which the reminder is to appear (see cited portion, but not limited to figure 8, paragraphs 0109-0110).

Regarding **claim 14**, Wasilewski et al. discloses an apparatus for customizing a reminder for a programming event comprising (see cited portion, but not limited to figure 10A):

a reminder customizer which includes a reminder options feature (see cited portion, but not limited to figure 10A, paragraphs 0111-0113) for permitting a user to select at least one device for displaying a reminder at that device (see cited portion, but not limited to figure 8, paragraphs 0109-0110); and

a controller for controlling coupling of a decoded signal to at least one device in accordance with the user-selected reminder options (see cited portion, but not limited to figure 8, paragraphs 0109-0110).

Regarding **claims 2 and 9**, Wasilewski et al. discloses everything as claimed above (*see claims 1 and 8*). The method further comprising the step of providing a second instrument, said second instrument being in communication with said first instrument, wherein said at least one indicated device on which the reminder is to appear is operably connected to said second instrument (see cited portion, but not limited to figs 1A-1C, paragraphs 0026-0030).

Regarding **claims 4 and 11**, Wasilewski et al. discloses everything as claimed above (*see claims 1 and 8*). The method wherein if the user does not indicate the device on which the reminder is to appear, further comprising the step of activating a default mode (see cited portion, but not limited to paragraphs 0104-0108).

Regarding **claims 5 and 12**, Wasilewski et al. discloses everything as claimed above (*see claims 1 and 8*). The method wherein the default mode is customizable by the user (see cited portion, but not limited to paragraph 0110).

Regarding **claims 6, 13 and 17**, Wasilewski et al. discloses everything as claimed above (*see claims 1, 8 and 14*). The method wherein the device comprises at least one of a television, PDA, computer, cellular phone and landline phone (see cited portion, but not limited to paragraph 0030).

Regarding **claim 7**, Wasilewski et al. discloses everything as claimed above (*see claim 1*). The method wherein the first instrument (200-1), comprises a receiver (see cited portion, but not limited to paragraphs 0026-0027).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 3, 10, 15 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski et al. (U.S. Publication No. 2006/0161956) as applied to claims 1, 8 and 14 above, and further in view of Ellis et al. (U.S. Publication No. 2005/0235322).

Regarding **claims 3, 10 and 16**, Wasilewski et al. discloses everything claimed as applied above (*see claims 1, 8 and 14*). Wasilewski et al. discloses setting a date and time for a reminder (see cited portion, but not limited to paragraph 0065).

However, Wasilewski et al. fails to specifically disclose the reminder customizer further includes a customizable auto-tune feature which permits the user to specify that the programming event for which the reminder is created is automatically tuned to at a designated time on a desired device.

Ellis et al. discloses the reminder customizer further includes a customizable auto-tune feature which permits the user to specify that the programming event for which the reminder is created is automatically tuned to at a designated time on a desired device (see cited portion, but not limited to paragraph 0094).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Wasilewski et al.'s invention with the above mentioned limitation as taught by Ellis et al. for the advantage of tuning to the channel at the appropriate time.

Regarding **claim 15**, Wasilewski et al. discloses everything claimed as applied above (see *claim 14*). However, Wasilewski et al. fails to specifically disclose the apparatus further comprising a decoder for providing the decoded signal from an input signal.

Ellis et al. discloses the apparatus further comprising a decoder for providing the decoded signal from an input signal (see cited portion, but not limited to paragraph 0039, lines 16-24).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Wasilewski et al.'s invention with the above mentioned limitation as taught by Ellis et al. for the advantage of extracting the portion desirable to the user.

Citation of Pertinent Prior Art

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schein et al. (U.S. Patent No. 6,323,911) discloses a first instrument and reminder customizer.

Boyer et al. (U.S. Publication No. 2002/0026496) discloses a reminder customizer having several options regarding time.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nnenna N. Ekpo whose telephone number is 571-270-1663. The examiner can normally be reached on Monday - Friday 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NNE/hne
September 23, 2008.

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2623